

**ALA Committee on Legislation
Report to Council
June 29, 2010
2010 Annual Meeting - Washington, DC**

**Mario Ascensio
Chair, ALA Committee on Legislation**

The ALA Committee on Legislation (COL) brings this report to Council with six action items for your consideration. This report also includes several important information items.

We also refer you to the *ALA Washington Office Six-Month Report*, previously made available to you, where you will find additional information about recent legislative activities of the Committee on Legislation and the Office of Government Relations.

The first of the six resolutions is Council Document # 20.6:

RESOLUTION TO INCREASE FUNDING FOR THE IMPROVING LITERACY THROUGH SCHOOL LIBRARIES PROGRAM TO A \$100 MILLION

RESOLVED, That the American Library Association:

1. Urges Congress to commit a minimum of \$100 million designated specifically for school libraries in FY2011 and beyond to the Improving Literacy Through School Libraries program to establish a population-based state grant program that provides students in every state the opportunity to increase reading achievement and master 21st century skills.

Endorsed by the Young Adult Library Services Association and the American Association of School Librarians

The second of the six resolutions is Council Document# 20.7:

A RESOLUTION TO INCLUDE SCHOOL LIBRARIANS IN THE REAUTHORIZATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

RESOLVED, That the American Library Association:

1. The American Library Association conveys to the President, the Secretary of Education, and the Congress of the United States the urgent need to require that the reauthorization of the Elementary and Secondary Education Act (ESEA) have a goal that every public school have a library staffed by a state-certified school librarian.

The third of the six resolutions is Council Document # 20.8:

RESOLUTION ON FASTER FOIA ACT

RESOLVED, That the American Library Association:

1. Commends the U.S. Senate for its quick passage of S. 3111, the Faster FOIA Act on April 15, 2010; and
2. Urges the U.S. House of Representatives to quickly pass the Faster FOIA Act of 2010, H.R. 5087.

Endorsed by the Government Documents Roundtable and the Intellectual Freedom Committee

The fourth of the six resolutions is Council Document # 20.9:

RESOLUTION ON PROPOSED JOINT LC AND GPO DIGITAL PILOT PROJECT

RESOLVED, That the American Library Association:

1. Urges Joint Committee on Printing to approve the Memorandum of Understanding so that Government Printing Office can process the *Statutes at Large* and *Congressional Record* content digitized by the Library of Congress; and
2. Urges Joint Committee on Printing to support Government Printing Office making this new digitized content available for permanent public access via GPO's Federal Digital System (FDsys).

Endorsed by the Government Documents Roundtable

The fifth of the six resolutions is Council Document # 20.10

RESOLUTION ON EQUAL ACCESS TO 21ST CENTURY COMMUNICATIONS

RESOLVED, That the American Library Association:

1. Strongly supports The Equal Access to 21st Century Communications Act, S. 3304, and the Twenty-first Century Communications and Video Accessibility Act of 2009, H.R. 3101, as passage of these bills would update communications laws to ensure that individuals with vision, hearing and other disabilities are able to utilize fully broadband services and equipment and have better access to video programming devices and other technologies; and
2. Calls upon Congress to pass S. 3304 and H.R. 3101.

Endorsed by the Intellectual Freedom Committee

The final resolution for your consideration is Council Document # 20.11:

This resolution was revised – see ALA CD#20.11

A RESOLUTION TO ENSURE EQUITABLE ACCESS TO LIBRARY SERVICES FOR ALL PEOPLE REGARDLESS OF IMMIGRATION STATUS

RESOLVED, That the American Library Association:

1. Calls on Congress to quickly enact comprehensive immigration reform legislation. Such reform should result in ensuring that all people in the United States can have access to library services regardless of their immigration status; and
2. Strongly encourage other library organizations to proactively engage their legislators at every level; local, state and federal, about the importance of equal and ready access to library services for all people.

Endorsed by the Intellectual Freedom Committee

Additionally, COL brings to you the following information items:

Library Advocacy Day (LAD) – June 29, 2010, at ALA 2010 Annual Conference:

For one year only, LAD will replace National Library Legislative Day, which is usually held in May. On Tuesday, June 29, 2010, library advocates from all 50 states and Washington, D.C., will meet at Upper Senate Park on the U.S. Capitol grounds. At this writing, more than 1600 librarians registered for the rally. After the rally, participants will meet with their members of Congress and their staffs in their Hill offices. Next year National Library Legislative Day will be held on May 9-10, 2011, in Washington, DC.

Grassroots

The Grassroots Subcommittee met and drafted a 2011 grassroots advocacy strategy for the ALA Washington Office. The group discussed ways to more effectively use CAPWIZ and brainstormed new topics for webinars. They also discussed how messages from ALA members to Congress on legislative issues have increased exponentially – having already reached the total number of messages sent in 2009 by June of 2010.

Broadband and Telecommunications

The COL Subcommittee on Telecommunications continues to meet jointly with the Office for Information Technology Policy Subcommittee on Telecommunications. The joint meeting included an overview and discussion of the National Broadband Plan (NBP), published earlier this year by the Federal Communications Commission (FCC.) Ellen Satterwaite, a NBP policy analyst from the FCC, described the Commission's commitment to libraries in implementing recommendations of the NBP. She emphasized the need for active involvement in the various proceedings pending before the Commission, especially the two related to the E-rate discount program. Satterwaite also urged that the library community remain heavily involved in the digital literacy proposals in the plan.

Additional agenda items included an affirmation of ALA's support for network neutrality and the Association's activities supporting the Schools, Healthcare and Libraries Broadband (SHLB) Coalition.

Surveillance

There were multiple discussions during the COL meetings that provided a reaffirmation on ALA's continued work on Cybersecurity, the PATRIOT Act and Electronic Communications Privacy Act (ECPA) issues.

In addition, COL and the Intellectual Freedom Committee submit the following information on Protecting Cyberspace as a National Asset Act.

Senator Lieberman and other members of Congress have introduced legislation that would make the Department of Homeland Security responsible for protecting civilian information and telecommunications networks in government and private sector whenever the President declares a national cyber emergency. The bill, entitled the Protecting Cyberspace as a National Asset Act, S. 3480, is intended to better define the President's authority in these matters and to update existing laws intended to protect critical network infrastructure during national emergencies. Contrary to some news reports, the bill does not authorize a "kill switch," nor does it put the National Security Agency or the Department of Defense in charge of cyber security operations applicable to civilian government or privately held critical infrastructure.

Changes are needed, however, to ensure that cyber security measures do not infringe on free speech, privacy and other civil liberties interests. It is imperative that cyber security not erode our rights.

The Washington Office and the Office for Intellectual Freedom have already begun to take action to ensure that free speech and privacy rights are preserved and that the government's activity concerning cyber security remains transparent to the public. They have joined a coalition of privacy, civil liberties and civil rights groups to urge the necessary changes to this legislation. This coalition sent a letter expressing its concerns to Senator Lieberman on June 23, which is attached to the report as an exhibit.

As a result of our letter and the work of other concerned organizations and individuals, the Senate committee responsible for this bill met on June 24 and made significant changes to the legislation that represents first steps to resolving the civil liberties issues posed by the Protecting Cyberspace as a National Asset Act. Both offices will continue to work with the coalition to ensure that this bill conforms with established ALA policies concerning free speech, privacy and government surveillance.

Library Services and Technology Act (LSTA)

The LSTA Subcommittee met late Sunday afternoon to discuss LSTA reauthorization. While it is highly unlikely that LSTA will be reauthorized in this Congress, Senator Jack Reed's (D-RI) office has leaked a working draft that his office is working on. The subcommittee met and went over possible changes to the working bill and the Office of Government Relations will relay these changes to Senator Reed's office.

Status of Federal Appropriations

In February 2010 President Obama delivered his FY 2011 budget request to Congress. In this budget request, LSTA funding was level funded, or in other words, funded at the \$213.5 million that was passed in the FY 2010 omnibus spending bill. The Labor, Health and Human Services and Education Appropriations Subcommittee has not marked-up the FY 201 budget bill yet, however a mark-up is expected before the August recess. It will not be known until after this mark-up as to what Congress plans to appropriate for LSTA.

Copyright

The COL Copyright Subcommittee continued discussion on its work to frame and develop language and messaging to assist ALA members to effectively communicate ALA's positions on copyright legislation and policies. Additional discussion included reviewing current and possible future copyright-related legislation and regulation, as well as a brief discussion on the very successful panel on the possible outcomes of the Google Book Search Settlement held during the ALA Annual 2010 Conference. In addition, the subcommittee is awaiting a decision by the U.S. Court of Appeals Second Circuit on the case and preparing advocacy messaging for possible legislation that may be sparked by the court's decision.

The copyright subcommittee also brought forward a resolution to COL in response to recent legislative activity on in the U.S. Senate (S. 3304) and the U.S. House of Representatives (H.R. 3101) addressing improving accessibility to all types of information by all, including individuals with disabilities, and is titled Resolution on Equal Access to 21st Century Communications.

Government Information

GIS hosted two meetings at ALA Annual 2010. The first meeting was held jointly with the Government Documents Round Table's (GODORT) Legislation Committee. During this meeting two resolutions were brought forward: 1) Resolution to the Joint Committee on Printing (JCP) on proposed joint GPO & LC digital pilot project and 2) Resolution on the Faster FOIA Act. After crafting the resolutions the group discussed sponsoring a joint program during ALA Annual 2011 with the Federal and Armed Forces Libraries Round Table (FAFLRT), GODORT and the Association of College and Research Libraries (ACRL) that would look at the various digitization and preservation programs currently being done around the country.

At the Subcommittee's second meeting, Judy Russell described a new project that the Association of Southeastern Research Libraries is working on pertaining to managing the Federal Depository Library Program collections in their region. The subcommittee then heard from two speakers from the Government Printing Office (GPO), David Walls and Cindy Etkin. David Walls is GPO's first preservation librarian and spoke about what this new position will entail. Cindy Etkin updated the group on the partnership between the Library of Congress and GPO. During this meeting the members of the subcommittee also reviewed the resolutions from the first meeting and endorsed them both.

E-Government Services

The Subcommittee on E-Government Services held one meeting during the ALA Annual 2010 conference. The members finalized the details of how they would promote the E-Government Toolkit that the subcommittee had been working on for two years. They held a program following the Washington Office Update on Saturday morning where the toolkit was unveiled. During the program, four speakers, a public librarian, an academic librarian, a federal librarian, and a federal employee representing USA.gov discussed different types of E-Government services. The subcommittee also staffed a booth in the membership pavilion on the exhibit floor where they demonstrated the toolkit on a laptop and passed out mementos such as pens and mouse pads with the toolkit's url.

The Subcommittee also discussed what the focus of the group should be following the completion of the toolkit. They will continue holding monthly conference calls to discuss related legislation and possible ways to influence policy and are interested in pursuing the use of Skype for these virtual meetings. The subcommittee also decided that they would begin holding webinars at various times throughout the year to educate librarians about different aspects of E-Government. The first webinar will be done in the fall in collaboration with the Office of Research and Statistics.

RESOLUTION TO INCREASE FUNDING FOR THE IMPROVING LITERACY THROUGH SCHOOL LIBRARIES PROGRAM TO A \$100 MILLION

- WHEREAS,** Students with strong school libraries staffed by state-certified school librarians learn more, get better grades, and score higher on standardized tests; and
- WHEREAS,** Students must master 21st century skills to compete in today's global economy and participate as informed citizens; and
- WHEREAS,** School libraries educate students in the critical, specialized thinking skills that are identified in the *AASL Standards for the 21st Century Learner* and are essential to college and career readiness; and
- WHEREAS,** School libraries ensure that all students have equal opportunity to master the 21st century skills necessary to participate in the digital age; and
- WHEREAS,** The Improving Literacy Through School Libraries program improves student literacy skills and academic achievement by providing increased access to up-to-date library materials, well-equipped technologically advanced school libraries, and well-trained state-certified school librarians; and
- WHEREAS,** The United States Department of Education rates the Improving Literacy Through School Libraries program as highly effective in improving the quality of those school libraries receiving the grants; and
- WHEREAS,** The Improving Literacy through School Libraries program facilitates student learning in critical 21st century skill areas by providing 24/7 access to essential information resources; and
- WHEREAS,** The Improving Literacy through School Libraries program was authorized at \$250 million but currently only appropriated at \$19.1 million, with the result that, of 450 applicants in FY2009, only 57 school libraries from 23 states received funding; and
- WHEREAS,** The Improving Literacy through School Libraries program must receive appropriations at a minimum of \$100 million to make this program a population-based state grant so that all states receive equitable funding; now, therefore, be it
- RESOLVED,** That the American Library Association (ALA):
1. Urges Congress to commit a minimum of \$100 million designated specifically for school libraries in FY2011 and beyond to the Improving Literacy Through School Libraries program to establish a population-based state grant program that provides students in every state the opportunity to increase reading achievement and master 21st century skills.

Adopted by the Council of the American Library Association
Tuesday, June 29, 2010
In Washington, DC

**A Resolution to Include School Librarians in the Reauthorization of the
Elementary and Secondary Education Act**

WHEREAS, The Elementary and Secondary Education Act (ESEA) previously known as No Child Left Behind, is due for reauthorization; and

WHEREAS, Inclusion of school libraries and school librarians in ESEA is a significant American Library Association priority; and

WHEREAS, Research in more than sixty studies show that students in schools with school libraries staffed by state-certified school librarians learn more, earn better grades, and perform better on standardized tests than their peers who lack such library resources and staffing; and

WHEREAS, School librarians teach information literacy skills that enable students to become lifelong learners in academic, professional and personal contexts, and to participate as informed citizens; and

WHEREAS, The current version of ESEA lacks a clear statement requiring the presence of an adequately staffed school library; and

WHEREAS, The lack of a federal requirement has resulted in the loss of school libraries and certified school librarians in public schools across the United States; now, therefore, be it

RESOLVED, That the American Library Association (ALA):

1. The American Library Association conveys to the President, the Secretary of Education, and the Congress of the United States the urgent need to require that the reauthorization of the Elementary and Secondary Education Act (ESEA) have a requirement that every public school have a library staffed by a state-certified school librarian.

Adopted by the Council of the American Library Association
Tuesday, June 29, 2010
In Washington, DC

Resolution on Faster FOIA Act

WHEREAS, The American Library Association (ALA) supports the Freedom of Information Act (FOIA) as a guarantor of principles fundamental to a democratic society: the people's right to know, the free flow of ideas, and public access to government information (89.01.11 #38 W1); and

WHEREAS, Backlogs of unfilled requests are a longstanding problem in agency implementation of the FOIA and the conditions and practices that create those backlogs are not fully understood; and

WHEREAS, The Presidential Memorandum on Freedom of Information reestablishes a presumption of information requested under the FOIA and President Obama has stated that "every agency and department should know that this administration stands on the side not of those who seek to withhold information, but those who seek to make it known;" and

WHEREAS, The Senate has passed S. 3111 and the House has introduced H.R. 5087, which both address impediments to the efficient processing of FOIA requests; now, therefore, be it

RESOLVED, That the American Library Association (ALA):

1. Commends the U.S. Senate for its quick passage of S. 3111, the Faster FOIA Act on April 15, 2010; and
2. Urges the U.S. House of Representatives to quickly pass the Faster FOIA Act of 2010, H.R. 5087.

Adopted by the Council of the American Library Association
Tuesday, June 29, 2010
In Washington, DC

RESOLUTION ON PROPOSED JOINT LC AND GPO DIGITAL PILOT PROJECT

- WHEREAS,** The Government Printing Office's (GPO) *Strategic Vision for the 21st Century* proposed reinventing its capabilities through development of digital content; and
- WHEREAS,** GPO is seeking an efficient and effective approach to digitize historic public domain Federal publications, estimated to be 2.2 million documents or 132 million pages; and
- WHEREAS,** In a December 2009 meeting, the American Library Association, American Association of Law Libraries, Association of Research Libraries, Special Libraries Association, and the Chief Officers of State Library Agencies recommended a pilot project involving the Law Library of Congress and GPO to analyze core legislative, legal and regulatory documents for digitization such as the 1951-2002 *Statutes at Large* and the *Congressional Record*; and
- WHEREAS,** A Memorandum of Understanding to implement this pilot project has been agreed to by the Library of Congress (LC) and GPO and is awaiting the Joint Committee on Printing's (JCP) approval; and
- WHEREAS,** This pilot project fulfills JCP's goal of cooperative actions on digitization between GPO and LC; and
- WHEREAS,** This pilot project addresses digitization-related content life cycle and processing issues such as digitization specifications, metadata "best practices," preservation guidelines, redaction of personally identifiable information, authentication practice, and allows for baseline cost estimates; and
- WHEREAS,** Appropriated funds and staff for the pilot project are in place; and
- WHEREAS,** GPO demonstrated its capacity to process digitized content provided by the LC at the April 2010 Federal Depository Library Council meeting in Buffalo, NY; and
- WHEREAS,** GPO is committed to permanent public access; now, therefore, be it
- RESOLVED,** That the American Library Association:
1. Urges Joint Committee on Printing to approve the Memorandum of Understanding so that Government Printing Office can process the *Statutes at Large* and *Congressional Record* content digitized by the Library of Congress; and
 2. Urges Joint Committee on Printing to support Government Printing Office making this new digitized content available for permanent public access via GPO's Federal Digital System (FDsys).

Adopted by the Council of the American Library Association
Tuesday, June 29, 2010
In Washington, DC

RESOLUTION ON EQUAL ACCESS TO 21ST CENTURY COMMUNICATIONS

- WHEREAS,** Equal, ready and equitable access to all information is a fundamental tenet of a free society; and
- WHEREAS,** The American Library Association (ALA) has a long-standing history of supporting equitable, unfettered access to all types of information; and
- WHEREAS,** The ALA recognizes that nearly a quarter of the population is disabled; and
- WHEREAS,** The library's mission is to provide equitable access to all, including people with disabilities, access to library collections and resources and to the Internet; and
- WHEREAS,** The ALA champions the use of assistive technologies to help ensure "same time" access to everyone, regardless of disability; and
- WHEREAS,** Congress last acted in 1996 to update laws to ensure access to communications devices by people with disabilities in 1996; and
- WHEREAS,** Advances in technology have transformed the way in which society communicates via the Internet and by a variety of assistive technologies; and,
- WHEREAS,** Current and emerging technologies must be designed to be accessible to the disabled community; and,
- WHEREAS,** The Equal Access to 21st Century Communications Act, S. 3304, introduced in the U.S. Senate and the Twenty-first Century Communications and Video Accessibility Act of 2009, H.R. 3101, introduced in the U.S. House of Representatives would update communications laws to ensure that individuals with vision, hearing and other disabilities are able to utilize fully broadband services and equipment and have better access to video programming devices and other technologies; and
- WHEREAS,** S. 3304 and H.R. 3101 recognize the important role of adaptive technologies and would rightly require that makers of such technologies, including hardware and software makers, ensure their products are accessible; and
- WHEREAS,** The measures in S. 3304 and H.R. 3101 would help shrink the digital divide and greatly improve access to many sources of information, ranging from books to websites, of which many are currently unavailable to persons with disabilities; and
- WHEREAS,** Passage of the bills would help libraries better meet the needs of patrons with disabilities and would also enable those with disabilities to participate fully in an increasingly "online" society; therefore be it

RESOLUTION ON EQUAL ACCESS TO 21ST CENTURY COMMUNICATIONS/2

RESOLVED, That the American Library Association:

1. Strongly supports The Equal Access to 21st Century Communications Act, S. 3304, and the Twenty-first Century Communications and Video Accessibility Act of 2009, H.R. 3101, as passage of these bills would update communications laws to ensure that individuals with vision, hearing and other disabilities are able to utilize fully broadband services and equipment and have better access to video programming devices and other technologies; and
2. Calls upon Congress to pass S. 3304 and H.R. 3101.

Adopted by the Council of the American Library Association

Tuesday, June 29, 2010

In Washington, DC

**A Resolution to Ensure Equitable Access to Library Services for
All People Regardless of Immigration Status**

WHEREAS, The American Library Association (ALA) strongly supports the protection of each person’s civil liberties, regardless of that individual’s nationality, residency, or status; and that ALA opposes any legislation that infringes on the rights of anyone in the USA or its territories, citizens or otherwise, to use library resources, programs, and services on national, state, and local levels (ALA Policy 52.4.5); and

WHEREAS, The ALA Association values our nation’s diversity and strives to reflect that diversity by providing a full spectrum of resources and services to everyone in the communities we serve (ALA Policy 53.9 Libraries: An American Value); and

WHEREAS, Libraries have historically been centers that facilitate lifelong education, literacy, and cultural exchange for new Americans; and

WHEREAS, The ALA works to inform and educate public libraries and member constituents about alternate forms of identification that will encourage the use of free public library services by all immigrant populations (ALA Policy 52.4.3 Immigrants’ Rights to Free Public Library Access); and

WHEREAS, There has been legislation both proposed and/or adopted at the local, state, and federal levels, that could directly restrict access to government services including libraries; and

WHEREAS, This legislation, such as Arizona’s Support Our Law Enforcement and Safe Neighborhoods Act (known as Senate Bill 1070), makes it a state crime to be in the country undocumented; requires immigrants to have proof of their immigration status; requires police officers to “make a reasonable attempt” to determine the immigration status of a person if a “reasonable suspicion” exists that he or she is an undocumented immigrant; and

WHEREAS, These requirements could lead to racial profiling and would create a chilling effect on the library use by people that may be suspected of being undocumented because of the potential requirement of showing identification in order to use or receive library services; now, therefore, be it

RESOLVED, That the American Library Association:

1. Calls on Congress to quickly enact comprehensive immigration reform legislation. Such reform should result in ensuring equitable access to library services for all people regardless of their immigration status; and
2. Strongly encourage other library organizations to proactively engage their legislators at every level; local, state and federal, about the importance of equal and ready access to library services for all people regardless of their immigration status.

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